HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

WRIT PETITION No.22841 OF 2000

Between:

M/s. Kirlam Brothers, Eluru, West Godavari District,
Rep., by its Partner G. Ramudu, S/o Late Satyanarayana,
Hindu, aged 43 years, Occ: Business, R/o. Eluru,
West Godavari District.

… Petitioner

AND

The Controller, Weights and Measures (Legal Metrology)
Department, Hyderabad and two others

… Respondents

:: O R D E R ::

Counsel for the petitioner : Shri N. Siva Reddy

Counsel for respondent No.3 : Shri O. Manohar Reddy

July 4, 2007

The petitioner, who is engaged in the business of petroleum products at Eluru, West Godavari District, has filed this petition for quashing communication dated 20-11-2000 vide which Territory Manager, Bharat Petroleum Corporation Limited suspended the sales and supplies of petroleum products for a period of 30 days

commencing from 21-11-2000.

The main ground on which the petitioner has questioned the suspension of sales and supplies of petroleum products is violation of the rules of natural justice by asserting that before taking punitive measure, the Territory Manager did not give it action oriented notice and opportunity of hearing.

The notice of the writ petition was served on the respondents some time in 2000, but counter affidavit has not been filed so far to controvert the assertions contained in the affidavit of Shri G. Ramudu, partner of the petitioner that the action impugned in the writ petition was taken without notice and opportunity of hearing.

In view of the above, I would have invalidated the suspension of sales and supplies of petroleum products on the ground of violation of rule of audi alteram partem, but keeping in view the fact that by an interim order dated 23-11-2000, this Court had stayed the operation of communication dated 20-11-2000 and as on today a period of more than six years and six months has elapsed, I do not consider it necessary to do so and dispose of the writ petition as infructuous with liberty to the competent authority of the Bharat Petroleum Corporation to take appropriate action in accordance with law in the matter of alleged violation of the conditions of dealership by the petitioner. Ordered accordingly.

G.S.SINGHVI, CJ

July 4, 2007

ks